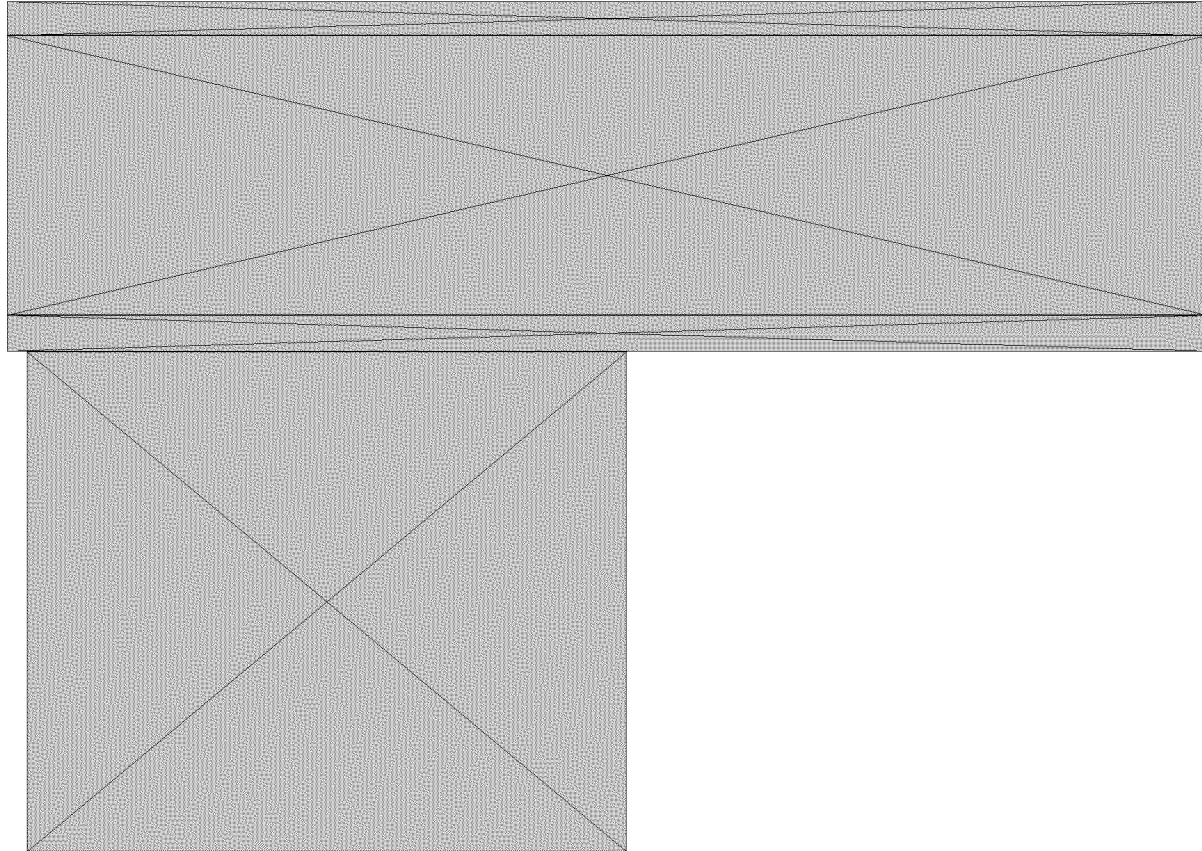


To: Grantham, Nancy[Grantham.Nancy@epa.gov]
From: EnergyGuardian
Sent: Wed 9/16/2015 9:51:12 PM
Subject: McCarthy, Dems: Gold King spill makes case for mining reforms

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Energy and environment headlines for the afternoon of Wednesday, September 16, 2015



McCarthy, Dems: Gold King spill makes case for mining reforms

By Kevin Rogers

The 143-year-old law governing hardrock mining on federal lands urgently needs reform, and the Environmental Protection Agency's accidental spill of waste from the Gold King Mine proves it, EPA Administrator Gina McCarthy told a Senate committee Wednesday.

Republicans on the Senate Environment and Public Works Committee argued that the spill into the Animas River merely proves that the agency is incompetent, negligent and treats

itself more lightly than it treats private companies.

EPA and its contractors were working at the abandoned Colorado mine on August 5, investigating a buildup of water, when they accidentally allowed 3 million gallons of wastewater laced with arsenic and other heavy metals to flow into the river. Democrats used the incident to push for creation of a mine cleanup fund, while Republicans used it to criticize EPA.

Sens. Michael Bennet, D-Colo., and Tom Udall, D-N.M., who testified on the spill, said the General Mining Law of 1872 is at the heart of the problem.

The law, which governs the extraction of metals such as gold and uranium from mines on federal lands, has been rarely altered since its adoption. It contains no provisions for cleaning up pollution while mines are active or after they are abandoned, and does not require royalties from mine owners.

"That really, I think, in the big-picture sense is why we're here, to fix this, to make sure that it never happens again, and that's a big task," Udall said.

But Chairman Sen. James Inhofe, R-Okla., and his fellow Republicans were focused on Gold King and its immediate aftermath, accusing the agency of incompetence in causing the spill, of being negligently slow in alerting nearby communities, and of holding itself to a different standard than it would a private company.

"The aggressive nature of the EPA under your direction, I think, says that there's clearly a double standard between how the EPA treats itself and looks to itself and how it treats private companies," charged Sen. John Barrasso, R-Wyo.

McCarthy hit back, saying that EPA has been taking the same corrective actions that would be required of a private company.

"There is no question that the actions of EPA contributed to this spill, but that does not mean that we or another private-sector person would be accused of violating intentionally the Clean Water Act," she said. "They would be told to do exactly what we are doing, which is to aggressively get people to safety, aggressively stop the spill, and make sure it didn't happen again."

"Instead of scoring political points by blaming EPA for this accident, Congress should use this as an opportunity to focus on the long-standing issue of abandoned hardrock mines that pollute our rivers and streams," said ranking member Sen. Barbara Boxer, D-Calif. "We should ensure that polluters pay the costs of the cleanup so that the American taxpayers are not stuck with the bill."

The Obama administration has repeatedly proposed a fee on mining to establish a fund to help clean up abandoned mines, which Congress has not enacted. McCarthy, while taking responsibility on behalf of EPA for the Gold King spill, said a fee would fund a "polluter

pays" system for the mining industry, like the one that exists for fossil fuel production.

"That is exactly the same way that coal mines are treated, and those abandoned coal mines are cleaned up," she said. "It's the same kind of source we need to be looking for here, to be instituted by Congress to begin to tackle this issue more effectively."

McCarthy said that new financial responsibility and cleanup rules for hardrock mining, under the Superfund law, would be proposed by August 2016. "The agency is under court order to complete those rules."

"We do have an ability to require financial responsibility for our existing and new active sites," she said. "The challenge for us are these legacy sites that we're talking about like Gold King Mine, where we do not have a responsible party that we can lien to. We will not be able to address those issues with this particular rulemaking."

Inhofe said he prefers a "Good Samaritan" approach to mining reform, which would offer liability protection to citizens and organizations who wish to assist with abandoned mine clean up. Boxer, however, warned that such a policy, without proper oversight, could lead to more issues.

Inhofe also criticized the decision to have the Interior Department lead the independent investigation into the spill.

"I question whether the Interior Department has the independence and expertise necessary to conduct this review," he said.

McCarthy, joined by Interior Secretary Sally Jewell, is set to testify on Thursday before the House Oversight and Government Reform Committee and the House Natural Resources Committee in a joint hearing on the spill.

Quick Links

[Ahead of GOP debate, Biden knocks climate change doubters](#)

[Apple touts environmental upgrade in latest iPhones](#)

[Oil jumps, stocks advance ahead of Fed decision](#)

[Agriculture secretary announces goal for cutting food waste](#)

[Study: Air pollution kills 3.3 million worldwide, may double](#)

[Palisades nuclear plant shuts down after equipment failure](#)

US consumer prices fell 0.1 percent in August on gasoline slide

Tech disruption hangs over automakers at Frankfurt show

Energy storage-solar power deals proliferating

Yieldcos turning in poor performance

Importing Canadian power could be costly: Report

Ethanol stocks hit year's lowest point, says EIA

Fracking well fire in Ohio to cost Statoil \$223,000

Slump for Texas drilling permits

Exxon aware of climate threat in the 70s, investigation finds

Exxon announces Nigeria production, confirms overall forecast

Only way to fix climate is innovation, Fiorina says

Carson backs crude exports, Keystone, increased natgas production

Upcoming Events

Ahead of GOP debate, Biden knocks climate change doubters

By Josh Lederman

ANAHEIM, Calif. (AP) — Taking aim at his potential political opponents, Vice President Joe Biden railed Wednesday against Republicans who "deny climate change" and want to shut down the federal government over funding for Planned Parenthood, and pleaded with them to "just get out of the way."

Biden came to California, a national leader on clean energy, to tout solar technology and ramp up pressure on the U.S. and other nations as the Obama administration presses for a successful finish to global climate talks. Yet his visit was infused with 2016 overtones, and he playfully mocked Republicans who reject mainstream climate science that says humans are contributing to warmer temperatures.

"I think if you pushed them, they'd probably deny gravity as well," Biden said.

The California swing brought Biden to the same corner of California as the pack of Republican presidential candidates, who were descending on the Ronald Reagan Presidential Library for their second televised debate on Wednesday night. Addressing a solar power summit in Anaheim, Biden offered a prediction that viewers would hear more skepticism about climate change from the pack of GOP candidates participating in the debate.

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Apple touts environmental upgrade in latest iPhones

By Michael Liedtke

SAN FRANCISCO (AP) — Apple has given its latest iPhones an environmental upgrade to go along with a better camera and a few new features.

The iPhone 6s and 6s Plus have reduced their carbon emissions by 14 to 16 percent from last year's models, according to Apple measurements that quantify how much pollution is caused during the production, distribution, consumer usage and recycling of the devices.

Most of the improvements reflected changes made in the purchasing and manufacturing of the aluminum used in the iPhone enclosures. Lisa Jackson, Apple's top environmental executive, told The Associated Press on Wednesday that carbon emissions tied to the production of those iPhone enclosures have been cut in half from last year.

Although those gains won't be highlighted in any of Apple's ads leading up to the Sept. 25 release of the last iPhones, the company is hoping its faithful customers will appreciate the progress.

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Oil jumps, stocks advance ahead of Fed decision

By Ken Sweet

NEW YORK (AP) — Energy stocks rose sharply Wednesday following a big jump in the price of oil brought on by a steeper-than-expected drop in crude inventories, while overall the stock market posted solid gains ahead of a closely watched decision by the Federal Reserve on whether or not to raise interest rates.

U.S. benchmark crude jumped \$2.56, or 5.7 percent, to \$47.15 a barrel on the New York Mercantile Exchange. Brent crude, a benchmark for many international types of oil imported into the U.S., gained \$2, or 4.2 percent, to \$49.75 a barrel in London.

The Energy Information Administration said U.S. oil supplies fell last week by a steeper-than-expected 2.2 million barrels. Analysts surveyed by Platts expected a decline of 200,000 barrels. The plunge follows news that oil drillers in the U.S. are cutting production in the face of low oil prices.

Oil company stocks followed crude oil higher. The energy sector of the S&P 500 shot up up 2.8 percent, more than twice as much as the rest of the market.

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Agriculture secretary announces goal for cutting food waste

By Karen Matthews

NEW YORK (AP) — Agriculture Secretary Tom Vilsack announced a goal Wednesday to cut the amount of food that Americans waste by 50 percent by 2030.

"The United States enjoys the most productive and abundant food supply on Earth, so too much of this food goes to waste," Vilsack said in New York City, where he was joined by food-industry representatives and officials from the Environmental Protection Agency.

Vilsack likened the effort to reduce food waste to the anti-littering campaigns of the 1960s and '70s that shamed Americans for tossing trash out car windows. "This is the logical extension," he said. "This is the next litter campaign."

The U.S. Department of Agriculture estimates that Americans waste 133 billion pounds of food every year, or 31 percent of their overall food supply.

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Study: Air pollution kills 3.3 million worldwide, may double

By Seth Borenstein

WASHINGTON (AP) — Air pollution is killing 3.3 million people a year worldwide, according to a new study that includes this surprise: Farming plays a large role in smog and soot deaths in industrial nations.

Scientists in Germany, Cyprus, Saudi Arabia and Harvard University calculated the most detailed estimates yet of the toll of air pollution, looking at what caused it. The study also projects that if trends don't change, the yearly death total will double to about 6.6 million a

year by 2050.

The study, published Wednesday in the journal Nature, used health statistics and computer models. About three quarters of the deaths are from strokes and heart attacks, said lead author Jos Lelieveld at the Max Planck Institute for Chemistry in Germany.

The findings are similar to other less detailed pollution death estimates, outside experts said.

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A message from the American Petroleum Institute

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[Learn more at EnergyTomorrow.org](http://EnergyTomorrow.org)

Palisades nuclear plant shuts down after equipment failure

COVERT TOWNSHIP, Mich. (AP) — Palisades nuclear power plant in southwestern Michigan shut down Wednesday due to an equipment failure and will get an early start on a planned \$58 million refueling, maintenance and inspection project that had been scheduled to start this weekend, officials said.

New Orleans-based Entergy, which owns the plant, said it shut down automatically at 1:17 a.m. due to a failure in the turbine generator system — a non-nuclear, non-safety related system. Equipment functioned normally after the shutdown at the plant in Van Buren County's Covert Township on the shore of Lake Michigan, Entergy said.

Entergy spokeswoman Lindsay Rose said most outages last about a month. The company said the shutdown follows the plant's second-longest period of continuous service.

"We've had an exceptional operational run since returning to service from our last refueling outage in March of 2014," Tony Vitale, Palisades site vice president, said in a statement.

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US consumer prices fell 0.1 percent in August on gasoline slide

By Martin Crutsinger

WASHINGTON (AP) — U.S. consumer prices edged down in August, marking the first decline in seven months and fueled by a big drop in gasoline prices.

The Labor Department said Wednesday its consumer price index slipped 0.1 percent in August after a small 0.1 percent rise in July. Gas prices, which had been rising for three months, dropped 4.1 percent amid the recent fall in global oil prices.

The report comes as the Federal Reserve begins two days of meetings to decide whether it will raise interest rates for the first time in nine years. It watches consumer prices closely, and the latest figures may add fuel to arguments that inflation isn't strong enough yet.

Economists said Fed policymakers were caught between evidence of a strengthening economy and persistently low inflation.

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Tech disruption hangs over automakers at Frankfurt show

By David McHugh

FRANKFURT, Germany (AP) — A sense of impending disruption hangs over all the shiny new cars at this year's edition of the Frankfurt International Motor Show.

The potential impact of automated driving and of extensively connected cars has pushed aside electric and low-emission vehicles as the major theme in just the two years since the show was last held.

New technologies could lead to everything from real-time navigating around a slippery stretch of road, to eliminating the need for a home garage by having cars drive themselves to people who summon them through a mobile app.

The big question among automakers is whether they will be the ones to provide new technologies — and profit from them — or will major tech companies like Google and Apple take a slice of the industry. For now, the two sides are balancing cooperation against competition as they gauge what the future holds.

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Energy storage-solar power deals proliferating

More deals are bringing together solar power generation and battery storage, with recent announcements coming from Hawaii and Vermont, The Washington Post reports.

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Yieldcos turning in poor performance

Analysts are trying to figure out why yieldcos—popular investment vehicles for renewable energy operations—have been suffering even more than oil companies struggling with low crude prices, E&E reports.

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Importing Canadian power could be costly: Report

The New England Power Generators Association is highlighting a study that warns building transmission lines to bring Canadian hydropower across the border could add \$777 million a year to regional wholesale power costs, Platts reports.

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Ethanol stocks hit year's lowest point, says EIA

A drop of 351,000 barrels last week brought U.S. ethanol stocks down to their lowest level of the year, 18.291 million barrels, Platts reports.

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Fracking well fire in Ohio to cost Statoil \$223,000

Norwegian petroleum giant Statoil will have to pay around \$223,000 in fines for a well blowout and fire that resulted in a substantial fish kill in eastern Ohio last summer, The Columbus Dispatch reports.

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Slump for Texas drilling permits

The Texas Railroad Commission—the state agency that regulates the oil and gas industry—says it issued only 864 drilling permits in August, compared to 2,440 given out during the month a year earlier, FuelFix reports.

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Exxon aware of climate threat in the 70s, investigation finds

Inside Climate News says it has uncovered evidence that officials at oil giant Exxon knew almost four decades ago of the threat posed by greenhouse gas emissions, but worked to downplay it and torpedo proposed solutions.

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Exxon announces Nigeria production, confirms overall forecast

Exxon Mobil has reaffirmed that its crude production will increase 2 percent in 2015 despite the challenges imposed by the drop in prices, and announced that oil is flowing from its Erha North project offshore in Nigeria five months early, The Wall Street Journal reports.

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Only way to fix climate is innovation, Fiorina says

Coordinated global effort to fight climate change is “impossible,” Republican presidential candidate Carly Fiorina told NBC, saying the solution is not regulation, but innovation that leads to new technology.

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Carson backs crude exports, Keystone, increased natgas production

Republican presidential hopeful Ben Carson doesn't yet have a formal platform on energy, but his past statements demonstrate support for crude exports and increased natural gas production—and dismissal of the idea that renewables can be the country's sole source of electricity, E&E reports.

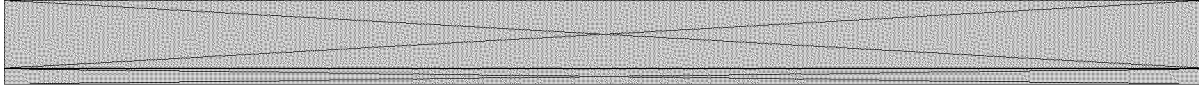
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Upcoming Events

- Sep. 16, Washington: BHP Billiton CEO Andrew Mackenzie to speak at a U.S. Chamber of Commerce luncheon as part of the business group's CEO Leadership Series. 11:30 am , 1615 H Street NW.
- Sep. 16, Washington: The Senate Environment and Public Works Committee to hold an oversight hearing on the Environmental Protection Agency's Gold King Mine spill in Colorado and the agency's response. Administrator Gina McCarthy to testify. 10:00 am , 406 Dirksen.
- Sep. 16, Washington: Sens. Angus King, I-Maine, and Lisa Murkowski, R-Alaska, to give remarks at a Center for Strategic and International Studies event on Arctic research and scientific developments. White House Director of Office of Science and

Technology John Holdren also set to speak. 8:30 am , 1616 Rhode Island Avenue NW.

- Sep. 17, Washington: The House Energy and Commerce Committee to mark up and vote on a bill from Rep. Joe Barton, R-Texas, to lift the ban on crude oil exports and a bipartisan energy policy reform bill. 10:00 am , 2123 Rayburn.
- Sep. 17, Washington: The House Oversight and Government Reform Committee and the House Natural Resources Committee to hold a joint hearing into the Environmental Protection Agency's spill of mine waste into Colorado's Animas River. EPA Administrator Gina McCarthy and Interior Secretary Sally Jewell to testify. 10:00 am , 2167 Rayburn.



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